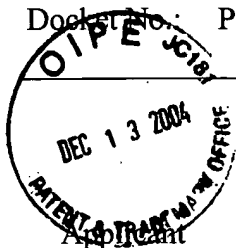


3743  
JFW

## TRANSMITTAL

Applicant : Drinan et al.  
App. No. : 10/068,170  
Filed : February 4, 2002  
For : AGENT DELIVERY AND  
ASPIRATION DEVICE  
Examiner : A. R. Flynn  
Art Unit : 3743

## CERTIFICATE OF MAILING

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

12/10/04

(Date)

Thomas R. Arno, Reg. No. 40,490

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing in the above-identified application are the following enclosures:

- (X) Establishment of Right of Assignee to Take Action and Revocation and Power of Attorney and copy of assignment
- (X) Return prepaid postcard.
- (X) Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Thomas R. Arno  
Registration No. 40,490  
Attorney of Record  
Customer No. 20,995  
(619) 235-8550



PHILO.008A

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Drinan et al. )  
App. No. : 10/068,170 )  
Filed : February 4, 2002 )  
For : AGENT DELIVERY AND )  
ASPIRATION DEVICE )  
Examiner : A. R. Flynn )

ESTABLISHMENT OF RIGHT OF ASSIGNEE TO TAKE ACTION  
AND  
REVOCATION AND POWER OF ATTORNEY

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The undersigned is empowered to act on behalf of the assignee below (the "Assignee"). A true copy of the original Assignment of the above-captioned application from the inventor(s) to the Assignee is attached hereto. This Assignment represents the entire chain of title of this invention from the Inventor(s) to the Assignee.

I declare that all statements made herein are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that willful, false statements may jeopardize the validity of the application, or any patent issuing thereon.

**App. No.** : 10/068,170  
**Filed** : February 4, 2002

The undersigned hereby revokes any previous powers of attorney in the subject application, and hereby appoints the registrants of Knobbe, Martens, Olson & Bear, LLP, 2040 Main Street, Fourteenth Floor, Irvine, California 92614, Telephone (949) 760-0404, **Customer No. 20,995**, as its attorneys with full power of substitution and revocation to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected herewith. This appointment is to be to the exclusion of the inventor(s) and his attorney(s) in accordance with the provisions of 37 C.F.R. § 3.71.

Please use **Customer No. 20,995** for all communications.

NDT

Dated: 8 November 2004

By:  \_\_\_\_\_

S:\DOCS\TRA\TRA-2755.DOC  
102504

### ASSIGNMENT

WHEREAS, We, Darrel D. Drinan, a U.S. citizen, residing at 3830 Valley Centre Drive, PMB 224, San Diego, CA 92130, Carl F. Edman, a U.S. citizen, residing at 12545 El Camino Real, Unit C, San Diego, CA 92130 and Robert J. Rosati, a U.S. citizen, residing at 7749 Palacio Drive, Carlsbad, CA 92009, have invented certain new and useful improvements in a AGENT DELIVER AND ASPIRATION DEVICE for which we have filed an application for Letters Patent in the United States, Application No. 10/068,170 filed February 4, 2002;

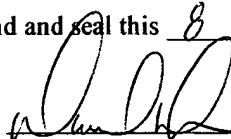
AND WHEREAS, NDT (hereinafter "ASSIGNEE"), a Partnership between the above referenced Darrel Drinan, Carl Edman and Robert Rosati, desire to acquire the entire right, title, and interest in and to the said improvements and the said Application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said inventors, do hereby acknowledge that we have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title, and interest throughout the world in, to and under the said improvements, and the said application and all provisional applications relating thereto, and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and we hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE DO HEREBY sell, assign, transfer, and convey to ASSIGNEE, his successors, legal representatives, and assigns all claims for damages and all remedies arising out of any violation of the rights assigned hereby that may have accrued prior to the date of assignment to ASSIGNEE, or may accrue hereafter, including, but not limited to, the right to sue for, collect, and retain damages for past infringements of the said Letters Patent before or after issuance.

AND WE HEREBY covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 8 day of November, 2004.

  
\_\_\_\_\_  
Darrel D. Drinan

**COPY  
DO NOT RECORD**

Application No.: 10/068,170  
Filing Date: February 4, 2002

PATENT  
Client Code: PHILO.008A  
Page 2

STATE OF

COUNTY OF

ss.

On \_\_\_\_\_, before me, \_\_\_\_\_, personally appeared Darrel D. Drinan personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 8 day of November, 2004.

Carl F. Edman  
Carl F. Edman

STATE OF California

COUNTY OF San Diego

ss.

On 8 Nov. 2004, before me, Cissy Songalia, Notary Public, personally appeared Carl F. Edman personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

Cissy Songalia  
Notary Signature

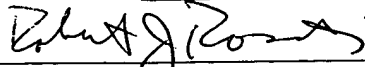


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Application No.: 10/068,170  
Filing Date: February 4, 2002

**PATENT**  
Client Code: PHILO.008A  
Page 3

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 15 day of November, 2004.

  
\_\_\_\_\_  
Robert J. Rosati

STATE OF

}  
}  
}

ss.

COUNTY OF

On \_\_\_\_\_, before me, \_\_\_\_\_, personally appeared Robert J. Rosati personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

\_\_\_\_\_  
Notary Signature

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102504

**COPY  
DO NOT RECORD**